



Members Present:

Dennis Lipp, Vice-Mayor
Ryan Liang, Council Member
Dr. J. William Louda, Council Member
Ron Jarriel, Council Member

Members Absent:

Dave Browning, Mayor

Others Attending:

Dr. Irv Rosenbaum, Interim Town Manager (NCS)
Matthew Lippman, Interim Town Clerk (NCS)
Michelle Kantor, Interim Assistant Town Clerk (NCS)
Mike Cirullo, Esq., Town Attorney
Members of the Public

Others Absent:

None

1. – 4. Call to Order/Roll Call/Pledge of Allegiance/Invocation

The meeting was duly noticed and posted. Vice-Mayor Lipp called the meeting to order at 7:00.m. He then requested the roll call by Town Clerk Matthew Lippman. Town Clerk Lippman noted that Mayor Browning was absent. Upon completion of the roll Vice-Mayor Lipp requested everyone stand for the Pledge of Allegiance and Invocation.

Vice-Mayor Lipp moved to Item #5.

5. Approval of Agenda

Councilman Liang made a MOTION to approve the Agenda, SECONDED by Councilman Louda and the MOTION passed unanimously 4-0, with Mayor Browning absent.

Vice-Mayor Lipp moved to Item #6.

CONSENT AGENDA:

6. Town Council Meeting Minutes (9-1-09)

7. Town Attorney Invoice (August 2009)

Councilman Louda noted on Page 19 of 20 of the Minutes, where it said Commissioner Koons said it doesn't make sense to pay the transportation costs, it should read Councilman Louda said that not Commissioner Koons.

Councilman Liang made a MOTION to approve the amended Consent Agenda as noted above, SECONDED by Councilman Jarriel and the MOTION passed unanimously 4-0, with Mayor Browning absent.

Vice-Mayor Lipp moved to Item #8(a).

REGULAR AGENDA:

8. RFP 2009-004 Code Enforcement Services Shortlist Interviews & Selection

Approval

a. Hy-Byrd

b. Calvin, Giordano & Associates

Town Clerk Lippman said I do want to wish the Mayor a speedy recovery, he is home resting with a high fever.

Town Clerk Lippman said for RFP 2009-004 for Code Enforcement Services we have a shortlist from the Town Council's last meeting and each of these firms will be giving a five minutes presentation to the Town Council, followed by a question and answers session from the Council. He said the new services would commence beginning October 1, 2009, because the current contract expires September 30, 2009. He said after the presentations I would ask for someone to make a Motion to negotiate for someone to select a firm.

Hy-Byrd:

Mike Crisafulle, Vice-President- introduced himself and said our company has been in business since 1985 and we represent 12 municipalities in PBC and do Code Enforcement for 2-3 Towns. He said our reputation is based on our commitment to the customer. He said if you call our office, you talk to somebody and we don't let problems fester. He said the mechanics of Code Enforcement are fairly simple, we get the complaint and walk through it to find out what is going on and then talk to the person, give them time to resolve their issue and if they don't resolve it, issue a Notice of Violation and we provide a running record and know where we are at every day.

Council Questions:

Councilman Louda said most of what I read in here dealt with building inspections and asked do you have experience in Code Enforcement as well. He said when we open the floodgates we need Code Enforcement officers that are going to be mindful of the reported violator, so we

want to try and handle in a way that takes care of our citizens. He asked Mr. Crisafulle are you familiar with our Community at all.

Mr. Crisafulle responded not very well but we know you want Code Enforcement when there is an issue to be dealt with, and if we go out there for a violation we are not going to expect them to fix it the very next day, we will work with the people as we see fit. He said simple things can be done like with grass or something like that, but something more intense can be given more time. He said in all the Towns we work with we don't go out with guns and badges. He said we try to treat people the way we would want to be treated.

Councilman Louda asked do Code Enforcement Officers carry a weapon.

Mr. Crisafulle responded no, that was just an example.

Councilman Liang had no questions or comments.

Councilman Jarriel said I was impressed with all the work you do in PBC, Wellington, and all the other places and I like it when you do a lot of business in PBC. He said I notice the termination period is 90 days if the Town or you wanted to terminate and to me that sounds kind of long and I would prefer 7-14 days if we weren't satisfied with your services and asked would your company be okay with that.

Mr. Crisafulle responded that wouldn't be a problem at all.

Councilman Jarriel said I called Wellington and they spoke well of you and recommended you highly.

Mr. Crisafulle responded we have never been terminated.

Councilman Jarriel said we have an hourly rate in there at a certain price with a minimum of 3 hours, and asked if we had a situation where we guaranteed you 8 hours a week, what are the possibilities of the rates being better.

Mr. Crisafulle responded we could work with that.

Councilman Jarriel said I was glad you gave us an hourly price, but in the future I am thinking if we guaranteed you an 8 hour day once a week I would expect that hourly rate to go down.

Vice-Mayor Lipp asked when does the hourly rate start, when you are on scene or when you leave your office.

Mr. Crisafulle responded well it is a 3 hour minimum with a 1/2 hour of travel time.

Vice-Mayor Lipp asked is there any way around that.

Mr. Crisafulle responded we would be flexible, so that is not an issue.

Councilman Louda asked if the 3 hour minimum was limited to one call or if calls could be piggybacked for those 3 hours.

Mr. Crisafulle said 3 hours while we were out here and if you have 5 calls we would go to 5 calls.

Town Clerk Lippman said to clarify this, both firms gave a bottom line minimum. He said the 3 hour minimum basically covers their cost for the week and once he comes out the clock doesn't really start ticking till you get beyond 3 hours, but I understood it starts from the time they leave the office to the time you get back. He said but you are going to pay the 3 hour minimum no matter what.

Town Attorney Cirullo asked if there are no calls is there a 3 hour minimum per week or month.

Mr. Crisafulle responded if there are no calls there is no invoice. He said but if we do come out it is like a service call where we charge you to come out.

Town Attorney Cirullo said in the proposal you had a letter agreement and the Town has a standard form agreement we use so this document in your proposal is not what would be signed.

Town Clerk Lippman said I appreciate the clarification, and confirmed so every time you come out it will be a 3 hour minimum charge.

Councilman Louda asked how are we going to handle informational phone calls, will the management handle that.

Town Clerk Lippman responded I can tell you how it works now, there is no phone time, when we get a phone call, we screen them, make sure they are even in our municipality and it can't be handled by any other agency and once we decipher all that, then at that point we would contact Code Enforcement for them to come out.

Councilman Louda asked so we are not going to have phone time.

Town Clerk Lippman responded there is no phone time, the way we handle it right now, is we are familiar with the Code, so that if a call comes in and it is a possible violation of any Code then we call Code Enforcement.

Councilman Louda said okay, I just wanted to make sure we don't run up phone charges.

Mr. Crisafulle responded when we do come here we could call people from your office on that time.

Councilman Jarriel asked if we needed some information or advice from you and our Staff called you, we wouldn't be charged for that phone time.

Mr. Crisafulle responded no, and there would be someone in our office to look it up for you.

Vice-Mayor Lipp moved to Item #8(b).

Calvin Giordano & Associates:

Shelley Eichner, Vice-President- introduced herself and said with me this evening is your current Code Enforcement Officer, Will Dubinsky and we are already doing your Code Enforcement and we have worked with you I think both diligently and fairly throughout the course of our contract. She said we have worked with you when it was time to expand the contract and then to reduce the contract and we are now on an hourly and basically terminated our contract voluntarily 2 months early. She said we would like to continue to work with the Town to as you go through your growing pains in your early start. She said we like to think of Zoning Code Enforcement as compliance. She said the goal is not to penalize the residents and businesses in the Town, but to bring them into compliance with your codes and right now your codes are the County codes and you will eventually be going to your own codes. She said the idea is to maintain the Town the way you want to be and to set your zoning codes and then have people come into compliance with those codes. She said we also have some other Code Enforcement Officers that are Level 3 officers; Will is a Level 2 officer. She said one of the things we talked about over the time is a log, and certainly without any doubt whether it is us or whoever you select, a log will be a key component. She said since we've had our discussions, Will has been keeping a rather basic, but detailed log and she handed out copies of it to the Council. She said I would anticipate we would work very closely with the FAAC so we could ensure that the information you would like to see in the log is adequately captured and to give you all the reassurance that you are getting what you paid for. She said we also have a program we could use that is GPS based if case loads get very large, but that is not something I would recommend right now. She recommended a tiered approach that explains how it could grow or be scaled back depending on the work load (see below).

Calvin, Giordano & Associates, Inc.

SECTION 4 FEES

CGA proposes the following varied and flexible phased approach to service and pricing, to meet the current and future needs of the Town of Loxahatchee Groves in an affordable and efficient means (Fees include provision of all vehicle, cell phone, uniform, supplies costs):

Phase 1 (On Call / Hourly Basis)

As directed in advance by the Town, 3 hour minimum

\$61.20 per hour

Phase 2 (Fixed Fee Basis)

Estimated at up to 24 hours per week

\$960.00 per week

Phase 3 (Limited Hourly Basis)

Estimated at up to one (1) 8 hour day per week

\$400.00 per week

Town Code Enforcement Services
August 24, 2009
CGA092744

MASTER PAGE Page 67 of 104

Council Questions:

Councilman Jarriel said I realize this is a new log, and asked would your time start from the time you leave Calvin-Giordano. He said I notice when you get back you are still working on the cases.

Ms. Eichner said no we would not charge you for travel time, we would charge you if there was work done in our office like researching the code.

Councilman Liang had no questions or comments.

Councilman Louda said without the travel time then where you are coming from probably doesn't matter because we don't have emergency Code Enforcement.

Ms. Eichner said I think up until right now it has been working out quite well, and like I said at the last meeting we can usually be up here rather quickly and if not the same day it would be the next day, within 24-48 hours.

Councilman Louda said I like the GPS Location thing where you can keep track of it. He said \$61.20 an hour just jumped out at me.

Ms. Eichner said it takes in account the car and the gas-it's a blended rate.

Councilman Louda said on the log what other information besides this would you have on there. He said I think we are looking for is rather detailed as to what did the citizen say.

Ms. Eichner said this is a start, the next step would be if selected to work with you and the FAAC to really develop the log everybody would like as far as level of detail.

Councilman Louda asked when your Code Enforcement Officer meets with the reported violator are they allowed to record or do they have to ask.

Will Dubinsky, Calvin-Giordano-Code Enforcement Officer- responded I don't know the answer to that.

Town Attorney Cirullo responded you wouldn't do that.

Town Clerk Lippman said one of the things Assistant Town Clerk Michelle Kantor has done for the Town is we have a detailed log that Town Management keeps that I know we have supplied to the FAAC that has all this information you are asking for. He said what we basically do is take the information from whoever we use as far as their log, but we have our own log which will track what they did that day, and all that information is kept internally from a Town Management perspective.

Councilman Louda asked now is there anything we can do on getting a legally demanded written response from the reported violator.

Mr. Dubinsky responded the process is spelled out in Florida Statute 162 which we have to follow. He said we try to make contact with the individual, and if that is successful we give a verbal warning and tell them what to do and then we follow that up with a Courtesy Correction

Notice which is sent Certified Mail to the address on the PBC Property Tax Appraiser's site which is required by mail. He said we give them 30 days to make the corrections and if not corrected then we send out a Notice of Violation which follows the same procedure and is also sent out Certified Mail. He said it is their responsibility to contact me once the corrections have been made, and if I haven't heard from them in 30 days or it fails that re-inspection then it is scheduled with the Town Clerk to go to Special Magistrate. He said when the papers for the Special Magistrate are sent out then the property is also posted at that time. He said and those are the legal requirements of Statute 162.

Vice-Mayor Lipp asked what would you say would be start to finish on a bona fide complaint from the time you hear that about it until the time it is resolved. He asked are you done when it goes to Special Magistrate.

Mr. Dubinsky responded when a case is scheduled for Special Magistrate I present the case to the Special Magistrate. He said when the Magistrate gives an order they give them a certain amount of time to come into compliance. He said if they don't, then that is when the fine starts running and then it is turned over to the Legal Department.

Vice-Mayor Lipp said okay so you are really involved until it is all taken care of. He asked are there any cases that you have been on for the Groves that you have taken all the way through.

Mr. Dubinsky responded I personally have not, but we have been prior to me coming here.

Town Clerk Lippman responded typically it is one hour per phase is how I would deem it, so Courtesy Correction Notice and then Notice Of Violation, set up for Special Magistrate, then Special Magistrate, and then review, is probably 5 hours of field time and 1 hour of office time, because our office would do a lot of background work in setting it up. He said I would say the maximum time is probably 6 hours at the most.

Vice-Mayor Lipp asked Town Manager Dr. Rosenbaum about his experience in Code Enforcement in the Town of Davie.

Town Manager Dr. Rosenbaum responded we started out with a Board with 1000 cases but that didn't work so we went to employees, but what really unjammed the back log was when we went to a mediation process and that is really something we haven't tried here. He said when you unleash the floodgates what you have seen so far is not what it is going to look like and in Davie we always dealt with employees and the Code Enforcement process was always bogged down.

Vice-Mayor Lipp asked Future Manager Frank Spence about his Code Enforcement experience in running other municipalities.

Future Town Manager Frank Spence responded in the cities I've been in we've always had a local Code Enforcement Board made up of 5 citizens and they always felt that you should be judged by your peers and they did not want an outside Special Magistrate because they felt that that Magistrate did not understand the City or the culture. He said I am very familiar with the process and the due process involved and the compliance involved. He said the Code Enforcement Board is a quasi-judicial Board and the appeal from their decisions can only go to the Circuit Court because they do levy fines and failure to pay those fines can result in a lien being placed on the property so that is your final hammer that you are going to be looking at.

He said we were able to get along with one meeting a month. He I do have to agree with the statement that the concept of Code Enforcement really is for compliance and you do want to preserve the attractiveness of your Community, you want to not perpetuate any trash piles that might be developing, so compliance is primary to revenue producing. He said you cannot foreclose on a Homestead property, if a lien is on it, you cannot collect your money until the final sale. He said what I am hearing is you are continuing down the path of a Magistrate and need to decide who you are going to get as a Magistrate but the possibility of using them for an increase of volume I think is going to be important. He said I don't think we are going to have back up but we can cross that bridge when we get there.

Town Manager Dr. Rosenbaum said I think the situation with Davie is very similar to what you have here in Loxahatchee Groves. He said Davie was not much bigger than Loxahatchee Groves and we had 100's of cases because we had the identical situation-no County Enforcement, no Town enforcement and these violations went on for years and piled up. He said I think what you are going to face is a real huge volume when you adopt your Codes and I think what you have to provide a process for which people can comply and that is my strongest recommendation to provide a window for which people can comply and that is why I am suggesting the mediation, it is a process where you get people to comply because you are not going to be able to handle the huge volume that comes through once you have your Codes in place.

Councilman Louda said I understand where Mr. Spence is coming from with a 5 Member Board, however, given this Community I wouldn't like to see 5 of our Members sitting on that hot of a seat. He said maybe in the mediation process we could use something like a 5 Member Board so we ask the violator to come forward and explain the situation to this Committee of peers without the threat of financial and see if that works. He asked Town Manager Dr. Rosenbaum how did you work mediation.

Town Manager Dr. Rosenbaum responded we trained a number of mediators through the University. He said you can bring mediators in and they go between the party and try to reach a compromise. He said they try to bring them into compliance. He said mediation is a long difficult road but the only reason I am suggesting it is because the mediation can move along an impossible problem and I think we all need to sit here and say there is a big problem out there and knowing this Community I think mediation could really take a huge bite out of the problem.

Councilman Louda said so you would use it as more of an educational thing to try and change the mind set.

Town Clerk Lippman asked for a clarification on the 3 hour minimum for phase 1.

Ms. Eichner responded it is going to be on an on call basis, when the call is made for Will to come up here we would charge you for 3 hours of time. She said the idea also is hopefully we could group things together and we view this as a holding pattern only until you get to your Code adoptions.

Councilman Jarriel said one of the things I dislike is I sat in with some of the Special Magistrate hearings and the attorney was there and he asked Town Attorney Cirullo, have you ever sat in on an Magistrate where you had to explain your situation without an Attorney being present.

Mr. Dubinsky and Future Town Manager Frank Spence both confirmed that an Attorney must be present.

Future Town Manager Frank Spence responded the Attorney will advise you and they are the Attorney to the quasi-judicial Code Enforcement Board and they need to have an Attorney.

Town Attorney Cirullo responded if you have a Board, the Board needs to have an Attorney according to State Statutes, or the Attorney needs to represent Staff for the Board-one of those two. He said if you set up a Board and you direct our office to represent Staff you will have to get another Attorney to represent the Board. He said if there is going to be an Attorney present for the property owner, you are going to want your Attorney there to present the case. He said what happens a lot is when a case is set for hearing a lot of times they will come into compliance right at the heap of the hearing or when they show up at the hearing they are there to say give me 30 days and I'll have it done for you. He said depending on what happens when you adopt your Codes, you all will have to make a policy decision on how you want us to attend those hearings, but we can work on that later on.

Councilman Louda asked if we go the Special Magistrate route when we send cases in to them we are also paying for Code Enforcement and the Attorney.

Town Attorney Cirullo responded you may not have to have your Town Attorney there, I have seen a lot of times where the Code Enforcement Officers can present, but it is hard to know ahead of time and every Town is different.

Councilman Louda said no matter which way we go we need Code Enforcement.

Vice-Mayor Lipp responded well we have Code Enforcement right now, we have an interim agreement with Calvin-Giordano and they are doing a great job so we are covered for the time being.

Vice-Mayor Lipp asked for comments from the Public.

John Ryan, 3508 A Road- said I read over all the proposals and this is my personal opinion, but I think from the standpoint of written proposals Calvin-Giordano was a slightly better proposal and hourly rate, but I think what is in writing is not necessarily what we have experienced. He said I think we do have experience with Calvin-Giordano that the Town Council ought to keep in mind, specifically I think one of the items in their proposal was Calvin-Giordano claimed credit for working with the Town on the management of Special Magistrate hearings and I think through research done by the FAAC, we found that has been an expensive lesson and it compares very unfavorably with other Town's experiences. He said I think one of the other items is we've had recent experience in payment of Calvin-Giordano under our contract rate which should have been changed many months ago when the Town, the Town Council, and Calvin-Giordano knew we were in a Moratorium situation and there were very few hours worked. He said I think the most problematical thing associated with this last item, is when the FAAC asked for a log of services to try and get some idea of what was going on during this period where there were either no complaints or no issues that there was little cooperation from Calvin-Giordano. He said now they talk tonight about maintaining a log and doing other good things but that is after they cost us a lot of money and some grief. He said frankly I think the Town Council was overly generous in paying them the last contract amount when there seemed to be some real genuine controversy, especially with paying them without requiring that the log

services be documented in greater detail. He said frankly I wouldn't have even made this last comment if Calvin-Giordano had did what I thought they should have done in the first place to maybe receive the check in the mail and send it back uncashed. He said I hope you keep this experience in mind when you are selecting the Code Enforcement Firm for services.

Councilman Jarriel asked Town Clerk Lippman when we do the RFP's, what type of advertising do we do, is it more than one.

Town Clerk Lippman responded we advertise in The Palm Beach Post, it is also posted on our Website, and we also have a free listing which is picked up automatically through Demand Star

Town Manager Dr. Rosenbaum responded Demand Star is **the** place that people go to check out bids for government.

Town Clerk Lippman responded we are not a member of Demand Star, but what it does is search municipalities for RFP's and posts them up for gratis.

Town Manager Dr. Rosenbaum responded they pick up almost every bid in the State

Councilman Jarriel said so basically we tried to reach out in numerous ways to get bids in.

Vice-Mayor Lipp asked is there anything that the League of Cities offers.

Town Clerk Lippman responded not with RFP's.

Vice-Mayor Lipp asked Town Attorney Cirullo, are we obligated to accept one of these two applicants this evening.

Town Attorney Cirullo responded you reserve the right to accept the bids or reject the bids.

Vice-Mayor Lipp said right now I get the feeling that we are out there trying to hit a moving target, because we are not sure what the hours are we are going to need, and to set up something that we are really not sure of what it is going to look like. He said it is something that one of the residents of the Town has gone out and done some research and there are people doing this sort of work for 1/3 of the cost and that troubles me, because it is a contract employee for a municipality in PBC. He said maybe we are not spending our taxpayer's dollars properly. He said I just want to let the Board know how I feel about this and I think we would be better served keeping Calvin-Giordano on a temporary basis, and we had one company reply to us in an email that they though the RFP was incorrectly written and maybe we should get some help in rewriting the RFP and try again.

Councilman Louda asked where is our current agreement with Calvin-Giordano and will they stay on.

Town Clerk Lippman responded the current contract is up September 30, 2009.

Councilman Louda asked so we are out of Code Enforcement September 30, 2009.

Town Clerk Lippman explained you would need to approve an amended agreement with Calvin-Giordano.

Councilman Louda asked are we using Code Enforcement, do we need it.

Vice-Mayor Lipp responded I think a PRN Agreement (per needed) and I know that Mr. Spence had indicated that he has experience with people in this area.

Councilman Jarriel said I personally would like to see the RFP go out again and I am disappointed that we didn't have more RFP's-we had 3 and 1 didn't do it properly, so we ended up with 2. He said I like the fact that we advertise it in more than one way, and I am educated on that tonight, but I think that there might be another way to get it out there. He said I do believe that there are Code Enforcement Officers out there that are a lot cheaper-50% less than what these bids offer, so I would personally like for us to send the RFP out one more time. He said but if that was to happen, I would certainly hope that Calvin-Giordano and Hy-Byrd would submit their same bid over again because I was impressed with a lot of stuff tonight, I am just disappointed that we didn't have more bids out there. He said personally I would like to see us send them out one more time, and I think I can justify that because we are on a Moratorium right now and we are doing our LDR's and I don't see them getting finished in the next couple weeks or so. He asked Staff do you think we will finish our LDR's within 2-3 weeks.

Town Clerk Lippman responded you won't finish them until the end of this year.

Councilman Jarriel said and like I said we do have a Moratorium on it, and personally I think as long as we have a Moratorium, I've always said if it is a hazard, if it's a health problem, or if it's dangerous then we have no choice but to call in Code Enforcement to do something about it, but with a Moratorium we are kind of giving the residents some slack time while we come up with our own LDR's, so I think we have time to send out another RFP and try to get more people interested-that is what I would like to see.

Cindy Corum, 2452 C Road- said I understand what Vice-Mayor Lipp is saying that we really don't know what our complaint calls are going to be like until we retain our ULDC and that we should maybe retain Calvin-Giordano for a few months, but on the same token, why don't we give Mr. Crisafulle here (who has already stated that he would be very flexible) the same opportunity and see if maybe he is willing to work on a month to month basis and not sign a contract. She said maybe you want to give this company the same opportunity to work on a month to month basis for the next couple of months before signing a contract.

Peter Liang, C Road- said I agree with what she said, I am just going to add a little bit more, since we had experience with the previous Code Enforcement and we went through so much difficulty that was part of John Ryan's Public Comment, I would think that we need to use the new gentleman and that would be more appropriate.

Vice-Mayor Lipp said in my opinion I don't think it is the duty of the Town Council, but rather with Town Management to work out an agreement with either Mike or Shelley-that is why you get paid the big bucks.

Town Clerk Lippman responded I will let the Town Attorney comment on this, but I don't think we have the authority to negotiate with anybody but Calvin-Giordano unless it is awarded by the Town Council.

Councilman Jarriel said Calvin-Giordano has a contract till September 30, 2009, and I personally like the idea we ask them for an amendment. He said they have come up with an idea for time keeping and they know we want them on an hourly basis. He said I personally think that we should ask for an amendment that they would be flexible and suitable to us till we do the RFP's again. He said a contract is a contract, so that is just the way I feel about that.

Town Attorney Cirullo responded one of the things you can provide is a termination issue that would coincide with whatever you decide to do.

Councilman Jarriel asked what is our termination agreement with Calvin-Giordano right now.

Town Clerk Lippman responded a 30 day notice for either party.

Councilman Jarriel said that is an agreement that we have that some of us on this Town Council didn't make.

Ms. Corum said you might want to check that-it is 7 days.

Town Attorney Cirullo responded if you do an amendment you can direct those specific terms be included with whoever it is you want it to be with.

Councilman Jarriel asked how long would it take us to do another RFP.

Town Clerk Lippman responded we can bring back an RFP at the next meeting on October 6, 2009, if you approve that RFP we can issue it on October 8, 2009, I would suggest having it due October 30, 2009, you could then shortlist at the November 3, 2009 meeting, and then you could do an interview and offer a contract at the November 17, 2009 meeting, and if that is the case you can actually do a contract till November 30, 2009 with a 30 day out and this way you could cover yourself until you begin to operate a new contract.

Town Manager Dr. Rosenbaum said if you want to advertise this more broadly, you might want to stretch things out and pick this thing up in the middle of October 1, 2009

Future Town Manager Frank Spence said I would agree having participated in Saturday's discussions and knowing that there is one more meeting with Mellgren for #4, and knowing how these things work and then you are going to do a questionnaire and then an Ordinance will need to be prepared which requires two separate readings, you are looking at the end of the year and I don't think it would be good to turn around and go right out again, because whoever you hire if you were to even select them tonight, it is a dead period right now with a Moratorium and with the waiting of the adoption of the LDR's and I think from a realistic stand point and the holidays and everything you are looking at a new contract at the beginning of next year. He said and since you do have a contract now and personnel in line and if the rates are the same or lower than what you are paying now, than I would certainly recommend an extension of what you have now, since it is in place. He said we will work on developing that and try to work on the time frame to have it back to you to award at the 1st meeting in December. He said the next meeting is October 6, 2009 and I think it is premature to turn around and do all this right away and right now to make a selection when your LDR's aren't even in effect. He said I see the successful bidder coming on board after the first of the year.

Town Attorney Cirullo said if you are going to reject the bids and direct something else be done than you need to do it in two parts, you need to first reject the bids because it is in the best interest of the Public and the Town in a Motion and second we need direction on how you want to proceed with services beyond September 30, 2009, and maybe at that point we could go through some particulars and how that would manage. He said you have a two part question here.

Councilman Liang said if we are going to drop this bid I don't think it is fair because we didn't feel we got enough responses. He said it seems very unfair to Hy-Byrd and Calvin-Giordano because they put in the time and they read our RFP, there was plenty of time and it was well publicized. He said I am very familiar with Demand Star and it is a nationwide company. He said I am just explaining how well publicized this was and granted we are upset we didn't get the number of bids we wanted, I don't think it is fair to throw it out just because of that. He said now if we want to throw it out because we feel we want to rebid it once our LDR's are done, then I can understand that, but if we are doing it because we are not happy with the number of bids and the people who want to place a bid didn't put a bid in-that is their fault, and we shouldn't be doing this to allow people who didn't bid put a bid in when they had the opportunity and they missed out.

Councilman Jarriel said I am disappointed that we didn't get more competition, but my priority is the cost for the taxpayer's and I personally think the two bids we listened to are 50% or higher than what we can get somebody for. He said now if we come back a 2nd time with RFP's and we can't get somebody for \$20.00-\$30.00 an hour then apparently I am wrong. He said because of the time and we are not in a hurry to do this and I personally think this went kind of quick and our now Town Manager and our Future Town Manager feel that we have plenty of time to do another RFP and my concern is the money that the taxpayer's are going to have to pay for Code Enforcement and I honestly believe that we can get it reduced by 50% by going out again and money is important to me and it is important to the taxpayers of Loxahatchee, especially with the times we are having now.

Councilman Louda said my reason for going along with what Councilman Jarriel is saying is I think our car is before our horse with the LDR's and the potential bidders might not see what is really out there and what it is going to involve, and I would like to see maybe there is a person out there who doesn't work for a company, but is licensed but he may want to come in. He said and if we put it out there and maybe take a longer period of time. He said and also to redo the RFP we should specify a break down on logs, time and potential knowledge of the neighborhood; because I think it is vital whoever puts a bid in knows the neighborhood. He said I am pretty sure you will agree that most people don't know this Town.

Vice-Mayor Lipp said anything in a Motion might include as the Town Attorney suggested a time for cancellation.

Councilman Jarriel made a MOTION to suspend and throw out the bids because of the interest of the Public at this time, SECONDED by Councilman Louda and the MOTION passed unanimously 3-1, with Vice-Mayor Lipp opposed and Mayor Browning absent.

Vice-Mayor Lipp said we have Calvin-Giordano on board until September 30, 2009, and in my personal opinion we have enough Town Staff to talk to them.

Town Clerk Lippman said I would ask at this time to have Shelley address this now if she chooses to do so.

Councilman Jarriel said I would like to handle it tonight, bring Shelley up and see if she agrees with the cost per hour.

Ms. Eichner said before we discuss the continuation of the contract, I would like to address some of the things that some people have said, particularly Mr. Ryan. She said as far as the contract goes it was a contract and as I said before we were all in agreement what could have, should have been wasn't-but it was a contract and for 4 days a month you were to pay us a certain amount of money. She said that is what the contract called for, that is what it said, we delivered the service and you paid. She said I think in all fairness we have continuously worked with you to be fair in the contract and we have given a lot up in the contract that we didn't have to. She said sure we didn't have to do that, but that is not the type of relationship we wanted to have with you and how we at Calvin-Giordano conduct our business, nor how we want to be partners with the Town as you continue to move forward. She said we always were willing to work with you and the contract and with that being said, we are willing to extend the current contract on an hourly basis until such time that another decision is made. She said we will continue to provide the log as we presented you for the work that Will does and if there is any additional information that you want on that log, just let us know.

Town Clerk Lippman said with that in mind, if you would like to make a Motion for Town Staff to negotiate an agreement with Calvin-Giordano we can bring it back at the next meeting.

Councilman Jarriel made a MOTION to give Town Staff the authority to negotiate a contract with Calvin-Giordano beyond September 30, 2009, SECONDED by Councilman Louda and discussion was then continued:

Councilman Liang asked so are we going to do another RFP once our LDR's are done.

Future Town Manager Frank Spence responded we will see what the timeframe is with the LDR's, but some type of company for Code Enforcement will be in place prior to the adoption of the LDR's.

Councilman Louda said the way I understand is we would probably award the contract sometime around the middle of December, so by the 1st of the year it would coincide with the LDR's.

Town Attorney Cirullo said this will be one of Frank Spence's initial projects to get that timing and method to you.

Councilman Jarriel asked will the FAAC also participate in revising the RPF and the additional contract with Calvin-Giordano.

Town Clerk Lippman responded as far as revising the RFP, I am sure.

Councilman Jarriel asked what about with the contract with Calvin-Giordano.

Town Clerk Lippman responded we have a FAAC Meeting on September 30, 2009, and I can work with Future Town Manager Frank Spence and Town Attorney Cirullo to come up with an

agreement to present to the FAAC, and if at that point it is approved, we can present it back to you for approval at the October 6, 2009 Meeting.

Councilman Louda said I would like to see the RFPs before they are presented to the Council, for our input so can work back and forth. He said besides the FAAC, I would like to see where we are at each step along the way because we might all have something we want to put in or pull out.

Town Clerk Lippman responded the first thing I will do is get the contract out of the way and once Mr. Spence looks at the RFP and I'm sure we will work with him and transition what we have and will work with you as well.

Future Town Manager Frank Spence responded yes.

Councilman Louda said one final comment I have is that Calvin-Giordano must recognize one thing is the tie around their neck is that they dealt with the first Board from the beginning-you were here from the get go.

The MOTION passed unanimously 4-0, with Mayor Browning absent.

Vice-Mayor Lipp moved to Item #9.

9. Third Party Vegetative Debris Hauler Agreement

Approval

Town Clerk Lippman said at the last meeting you gave Town Staff direction to work with the Town Attorney to come up with a Third Party Vegetative Debris Hauler Agreement with C & C Loading, they are the contractor who Frank Schiola and the Town have been working with to provide service for vegetative debris removal for the Town. He said there was an article put out in the Town Crier and I read it thoroughly and they got the facts correct, however, for the record I want to state that this is not a result of Waste Pro not doing their job well, because of the limitation of the 6 cubic yards that the Town Council finds it in the best interest to provide this extra service to the Town to get rid of all the extra debris especially during hurricane season. He said we are going to send a mailer to all the residents to let them know about this extra service we will be providing, and now we are just looking for your approval of the agreement and to move forward on this contract.

Town Attorney Cirullo asked on Section 1.2 where it was blank, how many days the Town Council wanted in there because there had been some discussion at a previous meeting to make sure the residents had plenty of notice about the pick-up.

Town Clerk Lippman said we can get the mailer to arrive at the residents homes by this Saturday, September 22, 2009 which would give them 16 days.

Councilman Jarriel said so basically till pick-up that would give them about 16 days.

Town Clerk Lippman responded yes.

Town Attorney Cirullo said so we will put 10 days notice in that slot, I just wanted to get that direction from you all.

Frank Schiola, Solid Waste Monitor- said we want to give them enough time to get it out there, but if we give them too much time and the stuff sits out there then it perpetuates illegal dumping when the piles aren't getting picked up. He said we do want to have a meeting a few days before with Town Staff, C & C Loading, and Waste Pro to make sure everyone is on the same page. He said and one of the things I am going to tell Waste Pro at that meeting is when they do their regular pick-up they need to tag the piles and we are going to make sure that every pile sitting there has that white tag on it, and if it doesn't have it on it then we are going to have to deal with Waste Pro on that issue and we will deduct it from them. He said the other thing I was talking to Matt about, is we do have mixed piles out there and we've asked Waste Pro to go ahead and pick these up in the past, but they are way over the 100yd limit, so in all fairness, if we feel short of the \$15,000.00 that you have allocated for this program, if we could go ahead and grab those mixed piles and get them picked up. He said the goal here is to clean up Loxahatchee Groves and we're making great strides on these illegal dumping piles, where we are picking them up right away so people aren't adding to them.

Councilman Louda asked if on the flier there was going to be some educational information on what a pile is.

Town Clerk Lippman responded yes, there is a copy of the postcard in your Agenda Packet.

Vice-Mayor Lipp said Thank you, Frank.

Councilman Jarriel made a MOTION to approve the agreement with C. C Loading for a one-time third party unlimited vegetative debris pick-up for the Town of Loxahatchee Groves, SECONDED by Councilman Liang and the MOTION passed unanimously 4-0, with Mayor Browning absent.

Town Clerk Lippman said if there are any specific comments about the postcards that are going to go out now would be the appropriate time to comment.

Councilman Jarriel said the only thing I have is logs and stumps, I like the 6 footer or less, but what bothers me is the 50lbs or less because you won't find too many less than 50lbs, and asked Frank Schiola will they waiver on that, I know C & C Loader Service will grind the stumps.

Mr. Schiola responded what we wanted to accomplish here was we didn't want to confuse the Public on what they are doing now and what they are doing for this, and we wanted to keep it the same as the contract, so after this whole thing is done people aren't putting out these big things and they would just sit there and then we would have a bigger problem, so we wanted to keep this the same as the contract.

Councilman Louda responded good idea.

Vice-Mayor Lipp asked are there any suggestions on the post card or it looks like everything is good.

Councilman Louda and Councilman Jarriel both said looks good.

Vice-Mayor Lipp moved to Item #10.

10. Land Development Regulations Workshop

Town Clerk Lippman said we had our 3rd LDR Workshop on Saturday, September 12, 2009, and I felt that it was one of the more productive Workshops we've had and we received some great feedback, and we've compiled all of the questionnaires and feedback we received at that point, and as we stated at the end of that Workshop, The Mellgren Planning Group and Town Staff will provide a revised questionnaire based upon the comments presented to the Town Council on October 6, 2009, and barring that is approved it will go out shortly after that and then I will set up a reporting and a consolidation spreadsheet for Town Staff to monitor this and it will be numbered as you suggested the first time. He said I will be working with Frank Spence as well on this, but we are looking to move forward, and we are going to give them 21 days from the time it is mailed out to be received back in the office, so we are going to give them plenty of time and then compile it and the goal was hopefully by mid-November to have the final Workshop.

Councilman Liang commented I was a little disappointed in the Workshop where we were addressing the businesses, and I felt maybe we could put in the survey, how should we deal with existing Non-Conforming businesses because in that Workshop it did ask what should be and shouldn't be permitted, but we didn't really address what are we going to do with these Non-Conforming businesses.

Town Clerk Lippman responded I agree, but the issue is you don't know what is going to be Non-Conforming. He said so what is going to happen is you will have the LDR's and what is Non-Conforming today may be Conforming once these LDR's are passed, so one of the goals of the Town Council needs to be, once you put out your LDR's then now you will have a handful of people who were not Conforming and now they are, but you will have a small handful of people who were not Conforming now and are still not Conforming, so at that point, then the Town Council is going to have to address that through the process you attempted to do several months ago through some sort of a sun setting or grandfathering process, so we can work that in somehow, but I didn't want to overwhelm the thought process. He said the five of you are going to have to decide whether to give them a certain amount of time or if you are just going to let them stay.

Councilman Liang said I only felt like this survey that we are going to put out would really be a great opportunity to see what everybody in the Community would like to do with these businesses. He said yes it will be up to the Town Council, but it would be good for me, at least as a Town Council Member to know what people want.

Town Clerk Lippman responded per your direction, I will make sure we include that as one of the five questions on the survey.

Councilman Louda said following up on what Councilman Liang said, I personally would like to see whatever we do for making a Non-Conforming business grandfathered, if it is grandfathered that does not go with the sale of the property.

Future Town Manager said with any transfer of ownership it would be gone.

Councilman Jarriel said I agree with Matthew, it was productive, I was hoping for a few more residents and as usual we had the faithful ones who are always there and who always want to get involved and we had some new ones and I liked that. He said there are some people that

are here tonight made comments on the surveys that we went over and basically that survey will be clarified to the residents of Loxahatchee because of their comments and their interest.

Vice-Mayor Lipp said I think the meeting went well and was very well run. He said but we need to address something that has come to my attention and that is Resolution 2007-017, as you all recall this regards the suspending of Code Enforcement setbacks for cages and pens. He said I think we need to bring that before the Board and we can vote on it again on whether we want to keep it or whether we want to get rid of that, because I don't want to have a loophole out there when we develop our LDR's.

Town Attorney Cirullo said I have to take a look at the Resolution and see what it said and how long it was effective for.

Vice-Mayor Lipp said at the time Town Attorney Tolces said we did a Resolution instead of an Ordinance because it would be easier to get rid of, so I would like to direct Staff to bring it forward, some of you may think we should keep this, but I don't.

Town Clerk Lippman said at the beginning of the LDR process I made the Mellgren group aware of the Resolution and we directed them until they get direction from you not to be influenced by the Resolution, however, the intent of the Resolution there is language in it that states until such a time that your LDR's are adopted then the Resolution will be reconsidered.

Town Attorney Cirullo said we can bring it back to you.

Councilman Louda said I can vote nay against it again.

Vice-Mayor Lipp said I mentioned this to Matthew and Michelle from Mellgren Planning Group at the meeting, and I want to get this on the record, that we spent a lot of time discussing nurseries, we also need to see a question in there regarding equestrian businesses. He said just like nurseries, they have trucks that affect the roads. He said I know some people that have 40 foot horse trailers that use the roads just like nursery people do and I think we need to put that in the questionnaire and if it is a business, are they renting out one stall for one horse or are they renting out 20 stalls for 20 horses. He said I don't think someone can claim AG Exempt by having a horse as a pet and they actually have to be in the horse business like Chris Gillman over on Citrus, so I think we need to get those clarified because we are a Community with both Agricultural and Equestrian interests.

Councilman Louda said I am really glad you brought that up because that has been one of the sore points with me is I would really like to see the equestrians here at these meetings and I probably say this at every meeting, that we have residents, nursery people, other types of businesses, and equestrians out there and that is our Community and we talk with the LGWCD about providing equestrian trails and we need their voice. He said if you know anyone who is an equestrian, get them in here-we need input- participation.

Vice-Mayor Lipp asked for comments from the Public.

Phyllis Maniglia, 359 W D Road- said I have ridden out in our little equestrian trail in the park over here and it has become smaller, and unfortunately it is not an equestrian trail anymore, it is a dog walking trail. She said when you are coming around on a trot on a horse on a designated equestrian trail, you don't want to see a dog loose or a person and what would be really

awesome would be to have an equestrian park there. She said the only ones utilizing that park right now are the people who are leaving their beer bottles all over the neighborhood. She said these men are heavily drinking and I am starting to get scared, there are not enough jobs for these people here anymore, so something needs to be done.

Councilman Louda said that is a County Park and we have input with them and we know about that and are working on a redo for car traffic, but at the same time to tie the equestrian trail back in. He said there is one missing link between the equestrian trail and Loxahatchee Groves Neighborhood Park and the trail up to Royal Palm Beach Pines and that is from Citrus across Collecting Canal, so all that is in the future and we know about those problems and if you call Town Staff, perhaps we can get some of our dedicated PBSO time because there are littering laws.

Ms. Maniglia responded I have called PBSO and it seems like they don't want to be bothered and it seems like I'm the nuisance.

Councilman Louda said well maybe if the Town calls.

Ms. Maniglia said I have done that too, but I will continue to do that.

Paul Rubino, 12812 Raymond Drive- said I am with PBSO and you know we have a new District coming strictly for Loxahatchee and I'll make a call to the Sergeant because I know him personally. He said on the permit you handled I would like to see instead of one or two weeks of having four deputies a day, spread it out so we can cover the equestrian area. He said the New District Lieutenant Hart is very enthusiastic about it and wants to meet with the Town Council and the residents to see what they want. He said if you go to our website you can make any complaint, compliment or suggestion and if you need help we will gladly help you.

Councilman Louda said thanks for the input.

Councilman Jarriel said back to the LDR's, Matthew you've talked to me about it before and you've assured me that after we get the Comp Plan completed it would be handled, but I've had residents call me about AG for less than 5 acres and asked while we are doing these Workshops that is not the time to bring this up is it.

Town Clerk Lippman responded no sir, but I will brief Future Manager Frank Spence and Town Attorney Cirullo to let them know the concern we've had with the Comp Plan and I will make sure that is represented very well.

Councilman Jarriel said I want to thank the PBSO deputy for being here and the PBSO mounted police are very good and we've had them out here and we have the cars out here, but the mounted police need to know what is like to be on a horse riding in Loxahatchee and somebody is riding in a car at 60mph coming at ya. He said I would like to see something like that-a combination in the future.

Town Clerk Lippman said I will work with Paul and I know I've seen his name on a lot of reports and I will set up for Frank Spence for the next round to use the mounted police.

Vice-Mayor Lipp said I appreciate Staff taking the notes on these things.

Vice-Mayor Lipp moved to Item #11.

11. RFP & RFQ Bid Acceptance Process

Discussion

Town Clerk Lippman said there have been some inquiries made by some Council Members and some Members of the Public as to the process we follow for Request for Proposals and Qualifications, so I provided a Memo to the Town Attorney, Town Manager Dr. Rosenbaum, Future Town Manager Frank Spence, and the Town Council just to review with you how the process goes.

Councilman Jarriel asked if on Page 87 of 104, under #1 it should read SEALED not UNSEALED.

Town Clerk Lippman responded Thank you, you are right and I will change that.

Councilman Louda said on the opening of bids, Ms. Corum and I had spoken about how that is done, and I approached Staff with the idea of opening bids at Council Meetings, and they basically told me that is usually not done and it is usually just a Public Notice at the Town Management and that seems to work if everybody is notified of that process, so it doesn't eat up our time.

Vice-Mayor Lipp asked for comments from the Public.

Cindy Corum. 2452 C Road- said I saw the process outlined and I think it is great and perfect, I only saw one thing that was missing and that is any RFP itself, according to our own Procurement Code Ordinance, it should be noticed the date, time, and place for the General Public and for the bidders of when the unsealing will be and that should be spelled out in that process.

Town Attorney Cirullo said from my understanding this was just for the process of opening them and the Notice should occur in the RFP.

Ms. Corum stated it is something we haven't done until recently and we should probably make that a rule.

Town Attorney Cirullo responded it is something we will be doing.

Vice-Mayor Lipp moved to Item #12.

12. Bryan Road Repair Proposal

Discussion & Approval

Town Clerk Lippman explained based upon discussion brought up by Councilman Jarriel at the last Town Council Meeting, it was brought to our attention that there might be a desire to repair Bryan Road. He said I was directed to receive some quotations, as you know Bryan Road was surfaced with OGEM financed by the County and a few years ago there were some road improvements that were funded by the actual residents in order to travel the road. He said I traveled the road with Mr. Robert Patty, from North Florida Emulsions and this was a company provided to be from the LGWCD, and Mr. Bob Patty is very familiar with the roads in the

Groves and has been working here for years. He said there are two factors you need to keep in mind when determining the price to repair this road-to resurface the entire Bryan Road (a 3/4 mile stretch) would be approximately \$76,000.00-to perform patch work on just the troubled areas would be approximately \$20,000.00, and in addition there would be costs incurred with title work and the dedication and recording of any easements. He said all landowners on Bryan Road would need to dedicate their easement to the Town and have that recorded before any work is done on that road and a rough estimate on that process would be between \$10,000.00 to \$15,000.00. He said I ask you to consider that there are 5 other road segments in this Town that have OGEM surfaces, North F Road, South F Road, Bryan Road, Compton, and Marcella, and since there is the potential for a request to come forward to the Town Council on these other road segments that a policy is adopted by the Town Council to handle any future requests from the residents and landowners on these particular road segments, because it is unique and different to the Groves. He said the other thing Mr. Patty asked me to mention, is with any road segment needs to be fog sealed every 2-3 years to extend the life, and without this maintenance the road surface will not perform to its potential.

Councilman Jarriel said what brought this to my attention were the residents on Bryan Road, and there is a huge hole there and Clete kind of took care of that problem today by putting some good road rock material in that hole, something had to be done, it was probably about an 8 inch drop, so we kind of made it safer. He said but like Matthew said, the County put that road in over 8 years ago and that road has held up good, but one of the major problems on that and especially where that hole is, is they do not have enough drainage and water is causing most of the problem. He said I spoke with Mr. Patty and he said he could give us a good deal when he comes in to do the other roads, but he also gave me the name of someone else and met with that man today and he gave me a price to do a 70 foot by 8 foot patch job where this hole is of \$1500.00 to \$1800.00, and that is something I think we could afford. He said I think we need to do something to protect the paved roads that we do have, and I live on a dirt road and I am sick of it, and I would love to see OGEM put on that road, but it is probably impossible to get everybody to agree. He said Bryan Road and Compton Road are abused by a lot of non road residents and people use them to cut across. He said this person that came out gave me the price of \$3500.00 per speed hump and personally I think that is kind of high. He asked Clete how much he thought they would be.

Mr. Saunier responded \$500.000 to \$1000.00 for Florida Highway Products.

Councilman Jarriel said Mr. Patty recommended we do 5-6 speed humps on that road, and I think we could even reduce it down to 3, one favoring Folsom, one in the middle and one favoring F Road, and I think that would be sufficient to slow people down. He said because of the traffic flow being routed by Bryan Road, and we've had numerous accidents, we need to try and protect these two roads, we need to salvage what we have so it doesn't cost the Town more money down the road. He said the ones with speed humps aren't used as much because people don't want to slow down. He said but I am asking the Town to continue to communicate with Mr. Bob Patty, but if we can get that patch done for \$1500.00 to \$1800.00, I recommend we go forward and fix it and just preserve what we have.

Councilman Liang said my only concern is like Matthew stated, down the road other roads might be asking for help and if they are a private road we are kind of stuck in a dicey situation,. He asked would the people on Bryan Road mind dedicating that road as a public easement. He said that would make things a lot easier for me as far as making decisions and if that was a bonafide Town road and we can say that is a Town road then it wouldn't be a question.

Councilman Louda responded oh yeah.

Councilman Jarriel responded I agree with Matthew, I agree with Ryan, but it is to the point from the legal aspect in other words, if you are willing to dedicate is as a public easement, Matthew and Ryan are right and that is what we would require. He said that is what I would require is that we all start complying just like we had to do with Marcella and Compton.

Councilman Louda said I go along with that, as long as they are dedicated we should take care of it, but what I have a problem with is the Town coming up with the \$10,000.00 to \$15,000.00 to dedicate it.

Councilman Jarriel responded I am thinking it cost anywhere from \$1000.00-\$3000.00 to do what the County required to make that a Public road. He said we have Board Supervisors on the LGWCD who live on the roads that were done and know what it takes.

Town Clerk Lippman responded the amount of money you spend on it depends on what you authorize to be done.

Councilman Louda said if the residents foot the bill of \$1000.00 to \$3000.00 then the Town could fix the road.

Clete Saunier, LGWCD Administrator- said when we did Marcella and Compton, each of those roads had a legal description and our Attorney did a form that was boiler plate and it didn't cost very much money at all. Councilman Jarriel asked could we do the same for Bryan Road.

Councilman Louda asked who paid the fees.

Mr. Saunier responded the residents didn't pay, I believe we were able to recoup that through the County.

Councilman Louda said I am trying to figure out at what point we are getting into buying land vs.- paving a road.

Councilman Jarriel said I argue that point, because if only the people on that road used it then fine, but they shouldn't have to pay for what other people are doing to their road. He said and they pay gas taxes just like all of us, and this is something the Town can take care of.

Councilman Louda said putting this all into the big picture, and asked do we have a price on fog sealing per mile.

Town Clerk Lippman responded it would be approximately \$5000.00-\$6000.00 for 3/4 mile. He said but we didn't bid it out to anyone else.

Councilman Louda said we are trying to do all this road work out of gas taxes and I want to make sure that we are not going to start increasing millage to start paying for roads. He said so we have \$7000.000 a mile every 2-3 years to keep OGEM roads up to standards.

Councilman Jarriel asked Mr. Saunier the costs.

Mr. Saunier said it was every 7 years, and that is if you put speed tables on it. He said Bryan Road is torn up because when the County initially put it down it was in a 2 inch layer and there was nothing there to control speed and the volume as you pointed out on that road is a lot higher. He said putting speed tables on there to control the speed, in my opinion will reduce traffic on this road and it should last.

Councilman Jarriel said another thing to keep in mind is we will probably switch over to granite from 57 rock and Bryan Road was a rush job and they had to come in quick and put it down before certain people found out about it.

Councilman Louda asked about the cost of granite.

Councilman Jarriel said first of all there are road people that actually store granite here in Florida and it is hauled in by rail.

Councilman Louda asked on this fogging that is supposed to be done for protection every 2 years, you are saying the repair on the fogging is factored in for the first 7 years, and we were just told tonight that to maintain and OGEM road it should be fog sealed every 2-3 years.

Town Clerk Lippman said the 5 OGEM roads that we are speaking of were constructed differently than the roads in the future and those were unfortunately done with a different product than what we are talking about. He said all I am quoting you now is the information from Mr. Bob Patty on the roads he has dealt with before, those 5 road segments should be fog sealed every 2-3 years, not the new ones.

Councilman Louda said I agree with the system that the residents on their road pay for their road, fine, but I am looking at after it is done the maintenance costs for the Town because as far as I can tell the maintenance cost is not going to be handled by the residents on the road after the 8 years it is paid off, there is no continuing contract with the residents.

Mr. Saunier said I need to correct something for the record, and Mr. Bob Patty is a great guy, but he is a salesman and those OGEM roads will last a lot longer than 2-3 years, although they would like them to last less than that.

Councilman Jarriel said keep in mind that North F Road has been down 3 years and it definitely doesn't need to be resurfaced.

Councilman Louda asked what does fog sealing do.

Mr. Saunier responded the fog seal is the same thing they do when they put it down new. He said it still has the porousness to it and it still has the aggregates. He said it is not an impervious surface.

Councilman Louda asked what is the cheapest way to get this hole fixed.

Town Clerk Lippman said Councilman Jarriel is recommending you look at the proposal brought forward tonight and get that one pothole taken care of while you decide to do with the rest of it.

Councilman Louda asked are we dealing with one landowner.

Councilman Jarriel responded well it is in front of one residents place but a lot of people use that road.

Town Attorney Cirullo said you are talking about two different things now, one is what sounds to be an emergency repair on a road in the Town that it is clear is a public road being used by the public and given there is a public benefit on the use of those dollars for that repair, I am not uncomfortable with going forward with that, but when you get into doing the maintenance I think you should get into the process of getting these easements in place and maybe following the LGWCD's example that Clete outlined. He said you can make those policy decisions down the road on how much obligation you want to set, but I do think if you are going to get into the business of putting this surface in and maintaining it you are going to have to get into the process of getting these easements done. He said but if you just want to fix the hole, you can justify that as a public benefit and not a private gain which it doesn't sound like from your discussion.

Councilman Louda asked how are we going to treat Non-District roads in the future.

Town Attorney Cirullo responded I think you are going to need to spend some time developing a policy and you are going to need to get an understanding of the scope of the issue and priorities.

Vice-Mayor Lipp asked for comments from the Public.

Marge Herzog, 966 A Road- said the only thing I caution the Council is to be mindful of setting a precedence, if you start repairing these roads at Town cost as opposed to the built in cost of the other letter roads, which are Public roads, they are going to pay for their repairs down the road, so if you are going to repairing Bryan you are setting a precedence.

Vice-Mayor Lipp responded a slippery slope.

Councilman Jarriel said we are setting a precedence, this is a need not only for Fire Rescue, for PBSO, for residents, it is a safety matter and if you have a dangerous road as a Town we will try to fix it for you.

Councilman Louda asked and aren't their miles counted in the total lane mileage .

Councilman Jarriel responded yes and they have paid their fair share of taxes.

Frank Schiola, 13434 Marcella Boulevard- said on Marcella we didn't pay for the legal search and everything, the LGWCD did, but we did as residents pool our money together to bring that road up to where Clete said it needed to be at, so we did pay for the dirt that needed to be brought in. He said because if you tip a car over, then you know what everyone is going to wind up in court so to patch this on an emergency basis for public safety, I think that is the right idea.

Cindy Corum, 2452 C Road- said I guess if we are talking about patching some holes for emergency safety, that is okay with me, but everyone on a road scheduled to be OGEMed is going to be paying for 10 years to get our roads OGEMed plus speed humps and Bryan Road

has already gotten that once and I don't think they had to sign over their easements. She confirmed we are only talking about emergency repairs.

Councilman Louda commented you have a way here on the whole thing on easements not being signed off and we need a policy on that.

Councilman Jarriel made a MOTION to because of an emergency situation approve the repair of a hole on Bryan Road not to exceed \$3000.00, SECONDED by Councilman Louda and discussion was then continued:

Councilman Liang said I just think at one of our future meetings we should work on this policy.

Vice-Mayor Lipp said I agree 100%.

Councilman Jarriel said we do have a policy that has already set a precedence with Compton and Marcella, we don't need to be spending money on research and stuff if this same thing happened with those roads. He said Clete and 2 other LGWCD Supervisors are very knowledgeable about it, because they've gone through it and we need to follow that game plan.

Vice-Mayor Lipp responded well as Ms. Herzog pointed out, this is a very slippery slope and we definitely need to have a full Workshop on it or dedicate some time at a Town Council Meeting. (He addressed Future Town Manager Frank Spence when he said this). He said because what do we tell the folks on the letter roads who are paying out of their own pockets. He said and in my opinion if someone wants their road improved to that degree, they should follow the same process of getting all their neighbors to sign to agree and just dedicate those roads as a public easement. He said just doing some quick math here, we have 116.5 lane miles in Loxahatchee Groves and the 1.5 lane miles on Bryan represents about 1.3% of that total, and of the 6 cent gas tax we use to fund the maintenance it equals out to be about \$3000.00, miraculous how that turned out. He said I am okay with labeling something as an emergency repair because we have precedence on that, as we did with 24th Court North with the flooding and took care of those folks, and I think with the pothole here we can certainly take care of that.

Ms. Herzog said one of the things that I remember from the Workshops for the OGEMing of the letter roads, was this perpetual money was building up for the repair, but it was stated since Bryan, Marcella, and Compton never paid into this that they wouldn't be building up any of this reserve for the repair and that in the future should any work need to be done on these roads that it would be borne by these people who would have to then pay for this expense, so here we are now where we are faced with the situation where one of these roads is beginning to fail and what was stated at the Workshop is not being followed.

Councilman Jarriel responded this Town Council has not discussed it.

Vice-Mayor Lipp responded that is a very good point Marge and Thank you for bringing it to everyone's attention.

Councilman Jarriel said we had a lady in here last night at the LGWCD Meeting, that lives on Okeechobee Boulevard and was wondering why she was paying for North C Road to be

OGEMed. He said I'll tell you why you pay for it, everyone in Loxahatchee pays assessments to the LGWCD, they pay 60% for roads and 40% for canals. He said when the people on A, C and D after 7 years pay less assessments, the people on Bryan's Road will be paying a lot higher because that is how it works, so they will continue to pay more so they will pay their fair share. He said and I will recommend that we divvy up between the 3-4 roads and this Town pays a percentage of what it will cost those residents and therefore it will reduce their costs in the long run.

Councilman Louda said say a landowner on A, C, or D Road has a culvert running under that road to the canal and that culvert collapses, who pays that repair.

Councilman Jarriel said I believe the landowner does. He said we are trying to be as constructive as we can and if we see a culvert needs to be corrected we are trying to do that prior to putting the OGEM down, so we don't have future problems like that.

Councilman Louda said a lot of these problems we can't see in the future. He said there are unseen things.

Town Clerk Lippman said I believe at this point the previous Town Council and this Town Council has a policy on emergency road repair and I will work with Future Manager Frank Spence to have this on as an Agenda Item in the future.

The MOTION passed unanimously 4-0, with Mayor Browning absent.

Vice-Mayor Lipp moved to Item #13

13. Emergency Portable Office Information

Town Clerk Lippman explained this Item is on the Agenda for general information purposes only and it is a follow-up to the presentation that Mr. Saunier made at the last Town Council Meeting where we were directed to follow-up with some alternatives to piggy back some of the thought process we were discussing. He said I spoke to someone from Scotsman who leases trailers and basically they described how it works and typically during Hurricane Season municipalities will just lease them and just pay for them and reserve them for x amount per month and then once they are deployed and brought to you, obviously then you would have to pay for the delivery and freight. He said 6x12 box size is \$250.00 a month for 6 months or 6x24 box size is \$ 805.00 for 6 months, so the breakdown is x amount per month and have it available and should you deploy it and have it set up you would pay an additional fee once it is done. He said this is just to provide an alternative to what Mr. Saunier suggested and you don't require any action tonight.

Councilman Liang asked when you spoke with them did they tell you how quickly they would be able to get a trailer here.

Town Clerk Lippman responded he the recommendation they made, you have to anticipate a minimum of 7-10 days and obviously you get to a point where sometimes these hurricanes can change every 2hours but you have to make that risk and if you think one is coming real close and you think it is going to happen in a certain amount of time, you have to take that chance. He said at least at this point you can reserve it. He said the Mayor said we can probably get a

better option out there, so I am not stopping out there. He said but what was told to me as of this point is you have to make that decision as a Council and it is a \$5000.00 risk.

Councilman Louda said I look at all these costs and we really ought to investigate getting two boxes and Claus knows about welding them together.

Town Clerk Lippman said Paul Reillo gave me information and that is the next thing I am going to bring to you at the next meeting.

Councilman Louda said it would be the Town's cost but leave room for LGWCD operation.

Vice-Mayor Lipp asked for comments from the Public.

Vice-Mayor Lipp read the following comment card from Cindy Corum into the record.

"My neighbor just bought a 40" shipping container online for \$2000.00 delivered! (in great shape)-Let me research this? Maybe?

Vice-Mayor Lipp responded we will hold you to it and you can help Matthew by taking some of the load off, and my only question on it is if we got 2 40ft trailers where are we going to stick them.

Councilman Jarriel said on my property till a Hurricane hits.

Councilman Louda said they have to be set up and have minimal A/C.

Vice-Mayor Lipp said just to keep the mold out. He said well that is for future discussions.

Vice-Mayor Lipp moved to Item #14.

14. Town Meeting and Holiday Calendar for 2010

Approval

Town Clerk Lippman said to make it easy on you, the bottom line is the calendar I presented to you on the dais reflects the PBC closing calendar, so it is mirrored exactly. He said so I am looking to get approval to move forward for not only the Meeting Calendar which is set by your Town Charter, but for the Holiday Calendar for the Town Office Closings as well.

Councilman Louda made a MOTION to approve the Town Meeting and Holiday Calendar for 2010, SECONDED by Councilman Liang and the MOTION passed unanimously 4-0, with Mayor Browning absent.

Vice-Mayor Lipp moved to Item #15.

15. Administration Update

a. September Meeting Calendar

Town Clerk Lippman said I've included the updated Town Meeting Calendar in your Agenda Packet, as well as, it is posted on the Town's Website.

b. Tire Amnesty Day: Sat, Sept. 19 at 8 a.m.

Town Clerk Lippman said just a reminder Tire Amnesty Day is coming up and the information was in the newsletter that went out. He said Mr. Schiola is on top of it and he has worked out all the details with Mr. Saunier and the information as far as the rules and regulations is on the Town's Website, as well.

c. Final/Updated Town Management Report (10/6 meeting)

Town Clerk Lippman said just to let you know consistent with the FAAC and the Town Council requests, I will submit a Final/Updated Town Management Report on October 6, 2009, which will look similar to the ones I have submitted in the past and will be updated through the current date so that Frank Spence will have an up to date report to continue where we left off.

d. Financial Procedures Manual (10/6 meeting)

Town Clerk Lippman said at the September 30, 2007 FAAC Meeting, I will be submitting the Final Version of the Financial and Accounting Procedures Manual and hopefully that will be passed and then we can bring it to you for approval at your October 6, 2009 Meeting.

e. July 2009 Financials (10/6 meeting)

Town Clerk Lippman said the July 2009 Financials will hopefully be approved at the September 30, 2009 FAAC Meeting as well, and then be brought to you for approval on October 6, 2009.

f. Update on table-top EOP exercise

Town Clerk Lippman said I just received an email and phone message from Pat Johnson and she has gotten in touch with someone who has EOA experience and they will be helping us with the table-top. She has not secured a date yet, but we are moving forward and Pat and Ken have been very helpful in securing a volunteer for this. He mentioned he would be in communication with Frank Spence on this as well.

Vice-Mayor Lipp asked Frank Spence if he had any of the ICS certifications.

Future Manager Frank Spence responded yes I am familiar with it and I expect to have my ICS 100 700 certificate by the time I get here.

Vice-Mayor Lipp moved to Item #16.

16. Public Comments

Ken Sampson, 12962 Raymond Drive- said we would like to bring to the attention of the Town Council an ongoing issue on Raymond Drive with regards to the water and the drainage that the water does not have over there. He said for those of you who are not familiar, Raymond Drive has a drainage ditch on the north side and if you go over there and take a look at that ditch, what you are going to find is it has become very overgrown to the point where it is beyond weeds. He said and over the past few weeks with the significant amount of rain we've had, we've had a large amount of water that has stayed on these properties. He said the

potential to that is and we've had this happen in the past is a rodent infestation, so it is not a good situation on Raymond Drive at the moment. He said as we speak tonight our neighbor to the east is probably still under 3-4 inches of water and the canal and the ditch are full. He said and it has been this way for about 3 weeks.

Vice-Mayor Lipp asked is there a drain underneath Folsom to the canal.

Mr. Sampson responded there are several that go from the south side to the north side which is where the ditch is, so it should be draining.

Vice-Mayor Lipp asked have you gone over there and looked at it to see if water is coming out.

Mr. Sampson responded no I have not, but looking at the ditch up and down Raymond you can't see any visible movement of water.

Vice-Mayor Lipp commented we had a basketball stuck in one of those one time.

Councilman Louda said it sounds like a private property issue at this time.

Mr. Sampson said I guess we are looking at direction or advice from the Council, is it something involving Code Enforcement.

Councilman Jarriel asked are the properties on the north side are there any foreclosure properties where there are no residents.

Mr. Sampson responded no, my wife took a fair amount of pictures yesterday, and he then turned in the pictures for the record.

Councilman Louda responded the one emergency repair we did had to do with an absentee landlord and it was causing blockage.

Mr. Sampson said what we are really looking to do is to see whoever has the responsibility of keeping that ditch clean does so it flows, and that is what we are trying to bring to your attention.

Vice-Mayor Lipp asked Clete Saunier to address this.

Clete Saunier, LGWCD Administrator- said this is Raymond Drive and they called the office a couple of times, and I have gone out there and looked at it and there is one overgrown vacant property where they have the swale on just one side of the road. He said it would drain a lot better if they had another culvert coming in from Folsom, but that is a whole other story. He said the one they have would drain properly if these one or maybe two lots would take some work. He said we looked at that after Hurricanes Wilma, Jean, and Frances and there was some extensive flooding there and we tried to help them out as best we could and I think there was a contractor that someone had hired to get some of the Australian Pines and trees out of the ditch and that area.

Mr. Sampson said the vacant property you are referring to further west and it may be causing an issue with the property that is beyond Ms. Pavlik's here, but from that point to Folsom is still backing up and as of today was under 4-6 inches of water.

Mr. Saunier said short of somebody actually going out there and looking at each of those drainage driveway culverts to make sure there is no obstruction, I can't give you an assessment and I talked to Mr. Jarriel about that and the ideal time to do that would be the perk of the dry season and I'm sure they don't want to hear that right now. He said but that would be the time to actually go and physically inspect all those driveway culverts and even probe them to see that there is no blockage. He said another idea would be to have a contractor go out there and get some survey shots, because if the pipes are set up too high, it is not going to be able to drain to further points east, and the other thing is it is dysfunctional because Raymond Drive is approximately 1/2 mile long and you've got 2500-3000 feet trying to drain all the way to Folsom Canal. He said the only way you are going to find out about that is in the dry season, when all the water is out of it, and when someone can go out there and physically inspect-that is my opinion.

Vice-Mayor Lipp said Thank you Clete. He asked Mr. Sampson have you hired an engineering firm to do what Mr. Saunier just suggested.

Mr. Sampson responded I respect his opinion, but I am not positive that the culvert pipes under Folsom are actually the problem because the water is still sitting in the main drainage ditch that goes to Folsom Canal. He said I believe that is our concern.

Mr. Saunier responded you misunderstood me, I said the driveway culverts from Folsom back. He said the Folsom Canal culvert is fine.

Councilman Louda said this could be nothing more than a quote on quote beaver dam situation.

Mr. Sampson responded it very well could be, but I don't know where to begin. He asked is that the home owner's problem.

Vice-Mayor Lipp responded the recommendation would be probably to work on it on your own and come back when you get to a point where there is difficulty in getting your neighbors to work together in the Loxahatchee Groves spirit, before bringing in the Government.

Mr. Sampson responded okay, I'd be happy to do that.

Councilman Louda said just a reminder to the Public, we have a bulk pick-up coming up.

Councilman Liang said I think this is an example that we need to come up with an idea of how we are going to handle these situations of drainage where it is affecting everyone on that road and it is just because maybe a few people on that road are not maintaining their culverts, how is the Town going to address this issue and how can we make these people who are not maintaining their culverts and drainage ditches do so, so it doesn't affect their neighbors, because this will come up again.

Town Clerk Lippman said this Item came up last year when during rainy season and I know there was a lot of discussion, and at the time what was discussed was you as the Town Council can direct Town Staff to enforce pretty much any policy you are looking to do. He said so you as a Town Council, as Councilman Liang has mentioned need to have a policy on drainage issues.

Councilman Louda said oh yeah.

Councilman Jarriel said I think the residents on Raymond Drive have a good start on the process and should do the research on what Marcella and Compton did in turning it over as a Public Road because all the residents might not agree to it.

Town Clerk Lippman said I want to make it clear that the reason we did Marcella Boulevard was it was dangerous to the entire road.

Town Attorney Cirullo said it would be helpful to have a policy decision here.

Councilman Louda said one of the things that Vice-Mayor Lipp brought up is to work with your neighbors.

Frank Schiola, 13434 Marcella Boulevard- said after the last rain my number was give out by accident to the people on Raymond Drive, and I got about 5-6 calls from them, so I did go over there and look at the problem and I told them pretty much the same thing that Mr., Saunier told them, and that was you are going to have to wait till the dry season to do anything, because you can't start when it is raining out. He said I did look at the water flow and the water is flowing under Folsom Road but it is only flowing from about 3 properties west of Folsom Road, west of that side and there are problems with trees in the canal and that is causing that problem there. He said I did tell them to come here tonight and to talk to the Town Council to try and find some answers and I did tell them that it might be time to dedicate that road to the Town so the Town could deal with it in the future, and I did tell them you are not going to get an answer tonight and it would take a while for this thing to work itself out. He said I don't want them to get discouraged by this, but we worked on Marcella for 4 1/2 years having the money and then it took us 4 1/2 years to get the road down. He said I want to give this out (handed out from the secret list), and said this steel was set aside for investigative purposes and the government is now done with their investigations and the 9/11 families are going to be giving pieces of this steel away and this is something that with the LGWCD Supervisors approval we could put it out there with a plaque out there so these people that were murdered can be remembered by us and if we do get a Town Hall we could put it there. He said lastly, Matthew gave me these magnetic stickers that tell about recycling and Clete let me put some on the table in the back take care of it. He said bring your tires and your rims separately and the CERT team will get 100% credit for them. Thank you.

Councilman Louda said on the firefighters steel, I would like to see if we follow up and see if we can get 2 pieces, one that the Town keeps and one for Station 21.

Mr. Schiola responded I think that PBC Fire Rescue would have to make that request, so you could get with them on that. He said we could have both the LGWCD and the Town write a letter so we have 2 pieces.

Councilman Louda said you mentioned before you get their hopes up, and I believe Raymond Drive is a dead end and that is going to be very tough to get made into a Town road.

Mr. Sampson responded yes.

Councilman Jarriel said first of all, we are getting gas tax money from the State for your road, and second of all, you are getting garbage pick-up and mail delivery, and those are two of the things that we always look for.

Vice-Mayor Lipp asked where is this Town Hall you are talking about.

Councilman Louda said if you remember in my campaign I talked about getting a grant to do that.

Doreen Baxter, 13402 North Road- said I just wanted to bring something to your attention about the Code Enforcement. She said since there weren't that many hours being used for Code Enforcement, I did a little calculation and we have to go out for bid if the service with the contractor would be \$25,000.00, and if you divide that out by \$65.00 an hour they would have to be working a little bit over 7 hours a week in order to make the \$25,000.00, so I was wondering if this was something that if it was under 7 hours a week then maybe we don't even need to go out on bid and maybe it would just require the Council deciding on who they want to go with and then us paying by hour.

Town Attorney Cirullo responded again, the scope of what you do with your Code Enforcement is going to be at your direction, based on your LDR's and what not. He said as we go on probably going to find that is a reasonable assumption that you are going to spend on that service, but we can explore that and you all can confirm that direction at that time. He said I think that based on our experience that was reasonable, because you are going to have to anticipate what is it going to be every year.

Councilman Louda said that is what I appreciated with the one firm who was looking down the road at phases. He said when we open the doors and say the Town is open for business, we are going to get the business.

Town Attorney Cirullo said if you even accept say just one more change of Anonymous Complaints and you are going to see the volume go up.

Vice-Mayor Lipp responded I already know that.

Vice-Mayor Lipp moved to Item #17.

17. Town Management Comments

Town Clerk Lippman said I would like to proudly announce that is now official, that Ms. Michelle Kantor will be a part of the new management team, she has signed a contract with Mr. Frank Spence and she will be continuing on. He said and that will be beginning on October 6, 2009. He said I proudly announce that she is going to carry the torch and provide great support to Frank Spence and ensure that things run as smoothly as possible.

Future Town Manager Frank Spence said on October 6, 2009 I request that my whole team be sworn in as Town Manager, Town Clerk, Deputy Town Clerk, and Finance Director.

Vice-Mayor Lipp asked the Town Attorney if the Town had a swearing in process.

Town Attorney Cirullo said I will look into that.

Vice-Mayor Lipp moved to Item #18.

18. Town Attorney Comments

There were no comments.

Vice-Mayor Lipp moved to Item #19.

19. Town Council Member Comments

Councilman Louda said thanks for coming and I think we actually got a lot done.

Councilman Liang had no comments.

Councilman Jarriel said I just want to thank everyone for coming and the people on Raymond Drive for being patient tonight and don't let this stop you, spend more time up here listening to us.

Vice-Mayor Lipp moved to Item #20.

20. Adjournment

Councilman Louda MOTIONED to adjourn the meeting, SECONDED by Councilman Liang and the Motion passed unanimously 4-0, with Mayor Browning absent.

There being no further discussion and no additional public comment the meeting was adjourned at 9:56p.m.



MAYOR DAVE BROWNING

ATTEST:



Michelle Kantor, Town Clerk

Date Approved